

Docket No. 87729  
 Customer No. 70523  
 Confirmation No. 9273

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Jean Marc Inglese et al

EQUIPMENT AND METHOD FOR  
 MEASURING DENTAL SHADE

Serial No.: US 10/598,017

Filed: August 16, 2006

Group Art Unit: Not yet known

Examiner: Not yet known

I hereby certify that this correspondence is being  
 deposited today with the United States Postal  
 Service as first class mail in an envelope addressed  
 to Commissioner For Patents, P.O. Box 1450,  
 Alexandria, VA 22313-1450.

*Laurie A. Wurtz*  
 LAURIE A. WURTZ  
 Date  
 March 18, 2010

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**RENEWED PETITION UNDER 37 CFR 1.47(a)**  
**Unavailability of Inventor**

Pursuant to the NOTIFICATION OF MISSING REQUIREMENTS  
 UNDER 35 USC 371 for the above-identified application, dated October 8, 2009,  
 Applicants filed a Petition Under 37 CFR 1.47 on January 8, 2010 as one joint  
 inventor cannot be located.

Applicants received a DECISION ON PETITION dated January 29, 2010  
 dismissing the Petition indicating that Applicants had not satisfied item (2)  
 directed to "factual proof that the missing join investor [sic] refuses to execute the  
 application or cannot be reached after diligent effort".

Applicants hereby file this **Renewed Petition Under 37 CFR 1.47(a)** to  
 satisfy this item. The pertinent facts are provided below.

Applicants respectfully request that this petition be granted, and that the  
 declaration signed by two of the three inventors be accepted.

Carestream Health, Inc. was formed on May 1, 2007 when Eastman Kodak  
 Company (Kodak) sold its health group business to Onex Corporation, a Canadian

company. Carestream Health is located at 150 Verona Street, Rochester, New York, 14608.

Trophy is a wholly owned subsidiary of Carestream Health. Trophy is located in France.

I am Susan L. Parulski, Chief Patent Counsel for Carestream Health. Prior to joining Carestream Health on May 1, 2007, I was a patent attorney at Kodak since 1995.

The above-identified application was filed on August 16, 2006 without a signed declaration or assignment in the names of three inventors: Jean Marc Inglese, Anne C. Croguenec and Julien D. Barneoud.

Two of the inventors have signed a declaration, specifically: Jean Marc Inglese and Julien D. Barneoud. The declaration signed by the two inventors was filed on January 8, 2010.

One of the inventors has not signed a declaration. Specifically, Anne C. Croguenec has not signed a declaration.

Anne C. Croguenec was employed by Trophy, but is no longer an employee at Trophy. As best understood, Anne C. Croguenec resigned from her position with Trophy at the end of the 2005.

As set forth in the attached DECLARATION by Laurie A. Wurtz and DECLARATION by Tara M. Simonelli, attempts have been made to obtain the signature of Anne C. Croguenec on the declaration and assignment for the above-identified application, but have been unsuccessful.

As identified in the mailing receipts and the DECLARATION by Laurie A. Wurtz, the last known address of Anne C. Croguenec is:

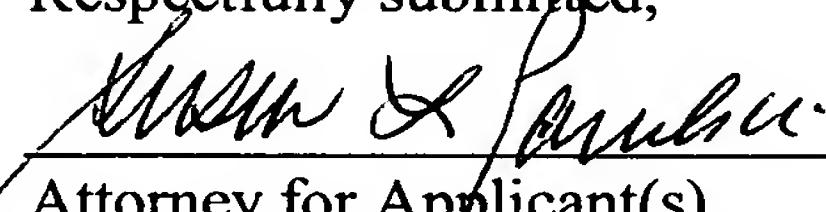
Anne C. Croguenec  
Residence Plein Sud  
15, Impasse de la Chana  
38140 RIVES  
France

Attempts have been made to obtain the signature of Anne C. Croguenec on the declaration and assignment for the above-identified application, but have been unsuccessful. Accordingly, please grant our petition to accept the declaration signed by two of the three inventors.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**The Commissioner is hereby authorized to charge any fees in connection with this communication to Carestream Health, Inc. Deposit Account No. 50-4233.**

Respectfully submitted,



\_\_\_\_\_  
Susan L. Parulski

Attorney for Applicant(s)  
Registration No. 39,324

Susan L. Parulski  
Chief Patent Counsel  
Carestream Health, Inc.  
Telephone: (585) 627-6716  
Facsimile: (585) 627-8919

Docket No. 87729  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Group Art Unit: Not yet known

Examiner: Not yet known

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's ~~electronic filing system~~ EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18 day of March 2010

Name: Laurie A. Wurley

**DECLARATION FOR PETITION UNDER 37 CFR 1.47**

**Unavailability of Inventor**

I am Tara M. Simonelli (nee Piccone), IP Associate for Eastman Kodak Company.

I filed the subject patent application on behalf of Eastman Kodak Company on August 16, 2006 without inventor signatures. On August 16, 2006 I sent an e-mail to Yvette Borel, an Eastman Kodak European associate residing in France, to obtain the signatures of the inventors, Jean Marc Inglese, Anne Croguenec, and Julien Barneoud.

On November 6, 2006 I sent an e-mail to Yvette Borel inquiring on the status of the signing of the formal papers as I had not received the executed documents yet.

On January 31, 2007 Yvette Borel sent me the formal papers signed by only two of the inventors, Jean Marc Inglese and Julien Barneoud. Yvette Borel informed me, via e-mail, that she had not been able to contact Anne Croguenec for signature of the formal papers. Yvette Borel sent me a scanned receipt of the mailing to Anne Croguenec.

On January 31, 2007 I responded to Yvette Borel's e-mail requesting that she continue to try and obtain Anne Croguenec's signature. At that time I suggested that she contact one of the co-inventors, Jean Marc Inglese, to see if he had a telephone number for Anne Croguenec.

I hereby declare that all statements made herein of my own knowledge are true

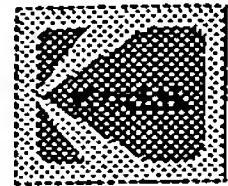
validity of the application or any patent issuing thereon.

Respectfully submitted,

Tara M. Simonelli  
Tara M. Simonelli

Eastman Kodak Company  
Telephone: 585-588-2749  
Facsimile: 588-477-4646

J'ai relancé 3 fois l'e-Croguenec  
pas de réponse  
le 31/11/06



Le 30 Août 2006  
à Mme CROGUENEC Anne  
to Mr

- En retour  
Returned with thanks
- Suivant votre demande du  
As requested on
- Pour votre information  
For your information
- Pour votre information  
A nous renvoyer avant le  
For your information. Please return to us before
- Vos commentaires SVP  
Your comments please
- Pour approbation/signature  
For approval/signature
- SVP faire suivre à  
Please forward to

**KODAK INDUSTRIE**  
Département Brevets  
Zone Industrielle  
71102 CHALON-SUR-SAÔNE Cedex  
FRANCE

## Notes :

Bouyer  
Pournez-vous, s'il vous  
plaît ÉCRIRE EN BLEU  
votre prénom et votre nom  
aux envois endipli puis par  
les POST-IT et me  
retourner ces documents le  
PLUS RAPIDEMENT possible

Merci!

De la part de :  
From :

Département Brevets et Licences  
Patent Department  
KODAK INDUSTRIE

*Yvette Borer*

A S S I G N M E N T

For good and valuable consideration received, including salary or payment for the making of inventions, or employee benefits, I/we do hereby assign to Tropy Radiologie S.A., a French corporation having a principal place of business in 77437 Marne La Vallee Cedex 2, France, its successors and assigns, the entire right, title and interest, including priority rights, in and to all of my/our inventions and improvements disclosed in an application for patent for

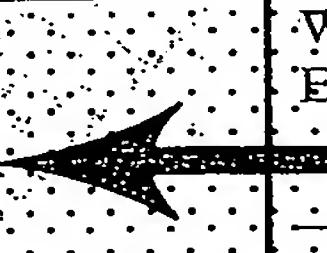
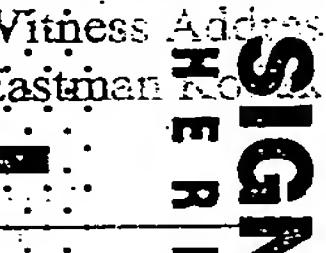
**EQUIPMENT AND METHOD FOR MEASURING DENTAL SHADE**

which is [check one]

a non-provisional application for patent executed on the date(s) shown below by:  
 a provisional application for patent by:  
 an international application PCT/EP2005/001208 filed 2 July 2005 for patent by:

Assignor # 1: Jean-Marc Inglese	Date <i>August 25, 2006</i>
Assignor # 2: Anne C. M. Croguenec	Date
Assignor # 3: Julien D. L. Barneoud	Date <i>August 25, 2006</i>

and [check one]  about to be filed  already filed as 10/598,017 on August 16, 2006 in the United States Patent and Trademark Office, together with said application, and any corresponding or counterpart provisional or non-provisional application, and any divisional, continuation, substitute, reissue, re-examination application thereof, and any applications, including international applications, corresponding or being a counterpart thereto in whole or in part in the United States and all other countries. I/We do hereby acknowledge that I/we were subject to an obligation of assignment to Tropy Radiologie S.A. with respect to the entire right, title and interest in and to said inventions at the time the inventions were made. I/We also do hereby assign to Tropy Radiologie S.A. the entire right, title and interest in and to Letters Patent and similar protective rights granted on any of these applications, as well as the right to claim any applicable priority rights arising from any of these applications under the terms of any applicable conventions, treaties, statutes or regulations. I/We agree that any of these applications, at Tropy Radiologie S.A.'s sole discretion, may be filed and issued in the name of Tropy Radiologie S.A. or its designee. I/We agree to execute such documents which in the judgment of Tropy Radiologie S.A. may be necessary to obtain any such patents and similar protective rights and to maintain the title thereto in Tropy Radiologie S.A. or its designee. I/We further agree that, upon request, but without out-of-pocket expense to myself/ourselves, I/we shall furnish to Tropy Radiologie S.A. or its designee any data, information, exhibits, memoranda, or other evidence in my/our possession relating to any of said inventions or improvements and shall testify in any ex parte or inter partes legal or administrative proceedings relating thereto. I/We authorize and request issuance of all Letters Patent and similar protective rights that may be granted on any of these applications, to the extent that and in such manner as such issuance shall be requested by Tropy Radiologie S.A. or its designee. This document shall be governed, construed and interpreted in all respects in accordance with the laws of the State of New York, USA.

Signature of Assignor # 1 <i>Jean-Marc Inglese</i> Jean-Marc Inglese Date: <i>August 25, 2006</i> Witnessed: <i>François Borel</i>	Witness Address, if other than Eastman Kodak Company, Rochester, NY 14650 <i>Kodak Industrie</i> <i>71102 CHALON-SUR-SAONE-FRANCE</i>
Signature of Assignor # 2 <i>Anne C. Croguenec</i> Anne C. Croguenec Date: Witnessed:	Witness Address, if other than Eastman Kodak Company, Rochester, NY 14650  

Signature of Assignor #3

Julien Barneoud  
Julien D. Barneoud

Date: August 25, 2006

Witnessed: Yvette Bove

Witness Address, if other than  
Eastman Kodak Company, Rochester, NY 14650

Kodak Industrie  
71102 CHAMON-SUR-SAONE, FRANCE

## Combined Declaration For Patent Application and Power of Attorney

ATTORNEY DOCKET  
87729NAB

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EQUIPMENT AND METHOD FOR MEASURING DENTAL SHADE**

The specification of which (check only one item below):

is attached hereto.

was filed as United States Application Serial No. 10/598,017 on August 16, 2006 and  
was amended on (if applicable).

was filed as PCT international application Number and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent & Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-\*d) or 365 (b) of any foreign application(s) for patent or inventor's certificate, or (365 (a) of any PCT international application(s) which designates at least one country other than the United States of America, listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating a least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY (# PCT, Indicate PCT)	APPLICATION NUMBER	DATE OF FILING (month/day/year)	PRIORITY CLAIMED UNDER 35 USC §119		
			X	YES	NO
EP	04356023.4	20 February 2004	X	YES	NO
PCT	EP2005/001208	7 February 2005	X	YES	NO
				YES	NO

I hereby claim the benefit under Title 35, United States Code, 119 §(e) of any United States provisional application(s) listed below:

**PRIOR PROVISIONAL APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119 (e):**

PROVISIONAL APPLICATION NUMBER	FILING DATE (month/day/year)

I hereby claim the benefit under Title 35, United States Code, §120 of any prior United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior applications(s) in the manner provided by the first paragraph of Title 35, §112, I acknowledge the duty to disclose to the U.S. Patent & Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

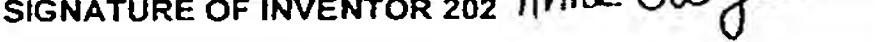
**PRIOR US APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S FOR BENEFIT UNDER 35USC§120:**

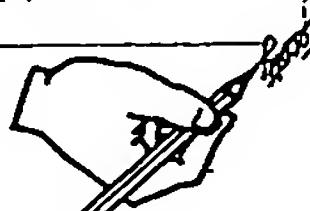
U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)		
PCT/EP2005/001208	7 February 2005		X	

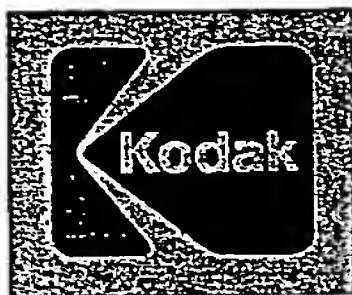
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the attorney(s) and/or agent(s) associated with Eastman Kodak Company Customer No. 01333 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to:			Direct Telephone Calls to: (name and telephone number)	
Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			Nelson A. Blish 585-588-2720 FAX: 585-477-4646	
2	FULL NAME OF INVENTOR <b>Ingles</b>	FAMILY NAME <b>Ingles</b>	FIRST GIVEN NAME <b>Jean-Marc</b>	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP <b>CITY 77437 Bussy Saint Georges</b>		STATE OR FOREIGN COUNTRY <b>France</b>	COUNTRY OF CITIZENSHIP <b>France</b>
1	BUSINESS ADDRESS <b>Kodak Trophy Radiologie</b>		CITY <b>77437 Marne La Vallée Cedex 2</b>	STATE & ZIP CODE (COUNTRY) <b>France</b>
2	FULL NAME OF INVENTOR <b>Croguenec</b>	FAMILY NAME <b>Croguenec</b>	FIRST GIVEN NAME <b>Anne</b>	SECOND GIVEN NAME <b>C. M.</b>
0	RESIDENCE & CITIZENSHIP <b>CITY 53960 Bonchamp</b>		STATE OR FOREIGN COUNTRY <b>France</b>	COUNTRY OF CITIZENSHIP <b>France</b>
2	BUSINESS ADDRESS <b>Kodak Trophy Radiologie</b>		CITY <b>77437 Marne La Vallée Cedex 2</b>	STATE & ZIP CODE (COUNTRY) <b>France</b>
2	FULL NAME OF INVENTOR <b>Barneoud</b>	FAMILY NAME <b>Barneoud</b>	FIRST GIVEN NAME <b>Julien</b>	SECOND GIVEN NAME <b>D. L.</b>
0	RESIDENCE & CITIZENSHIP <b>CITY 77600 Bussy Saint Martin</b>		STATE OR FOREIGN COUNTRY <b>France</b>	COUNTRY OF CITIZENSHIP <b>France</b>
3	BUSINESS ADDRESS <b>Kodak Trophy Radiologie</b>		CITY <b>77437 Marne La Vallée Cedex 2</b>	STATE & ZIP CODE (COUNTRY) <b>France</b>
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
4	BUSINESS ADDRESS	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
5	BUSINESS ADDRESS	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
6	BUSINESS ADDRESS	BUSINESS ADDRESS	CITY	STATE & ZIP CODE (COUNTRY)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202 	SIGNATURE OF INVENTOR 203 
DATE <b>August 25, 2006</b>	DATE	DATE <b>August 25, 2006</b>
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE





Chalon, le 11 décembre 2006

YB

Mademoiselle Anne CROGUENEC  
Résidence Plein Sud  
15, Impasse de la Chana  
38140 RIVES

*Objet : Signature de documents*  
*N/Réf : Docket 87729*

Mademoiselle,

Je vous ai fait parvenir le 30 août 2006 des documents à signer relatifs à l'extension aux USA d'un brevet français déposé le 20 février 2004.

A ce jour, je n'ai pas reçu les documents signés de votre part. Pourriez-vous, s'il vous plaît, me retourner ces documents signés le plus rapidement possible.

Avec mes remerciements, veuillez agréer, Mademoiselle, l'assurance de ma considération distinguée.

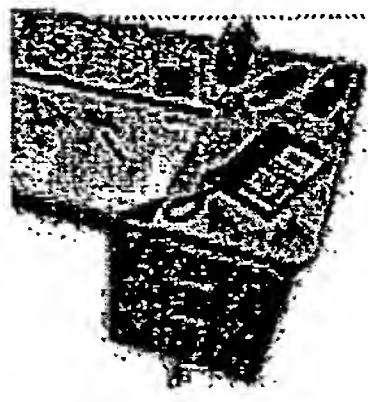
A handwritten signature in black ink, appearing to read 'Yvette BOREL'.

Yvette BOREL  
Département Brevets  
Tél : 03 85 99 17 59



**Tara Piccone**  
**01/31/2007**

e-mail: [tara.piccone@kodak.com](mailto:tara.piccone@kodak.com)  
Yvette Borel/927119/Chalon/France/Europe/EKC



**Yvette**  
Borel/927119/Chalon/France  
/Europe/EKC

01/31/2007 06:35 AM

To **Tara Piccone/470314/EKC@Kodak**  
cc  
Subject **Signatures for Docket 87729**

Dear Tara,

For several months (5 months) I have tried to obtain the A. Croguenec signature, but it's impossible, in spite of follow-up letter, NO ANSWER.

You will find attached the Receipt showing that A. Croguenec has got the mail.

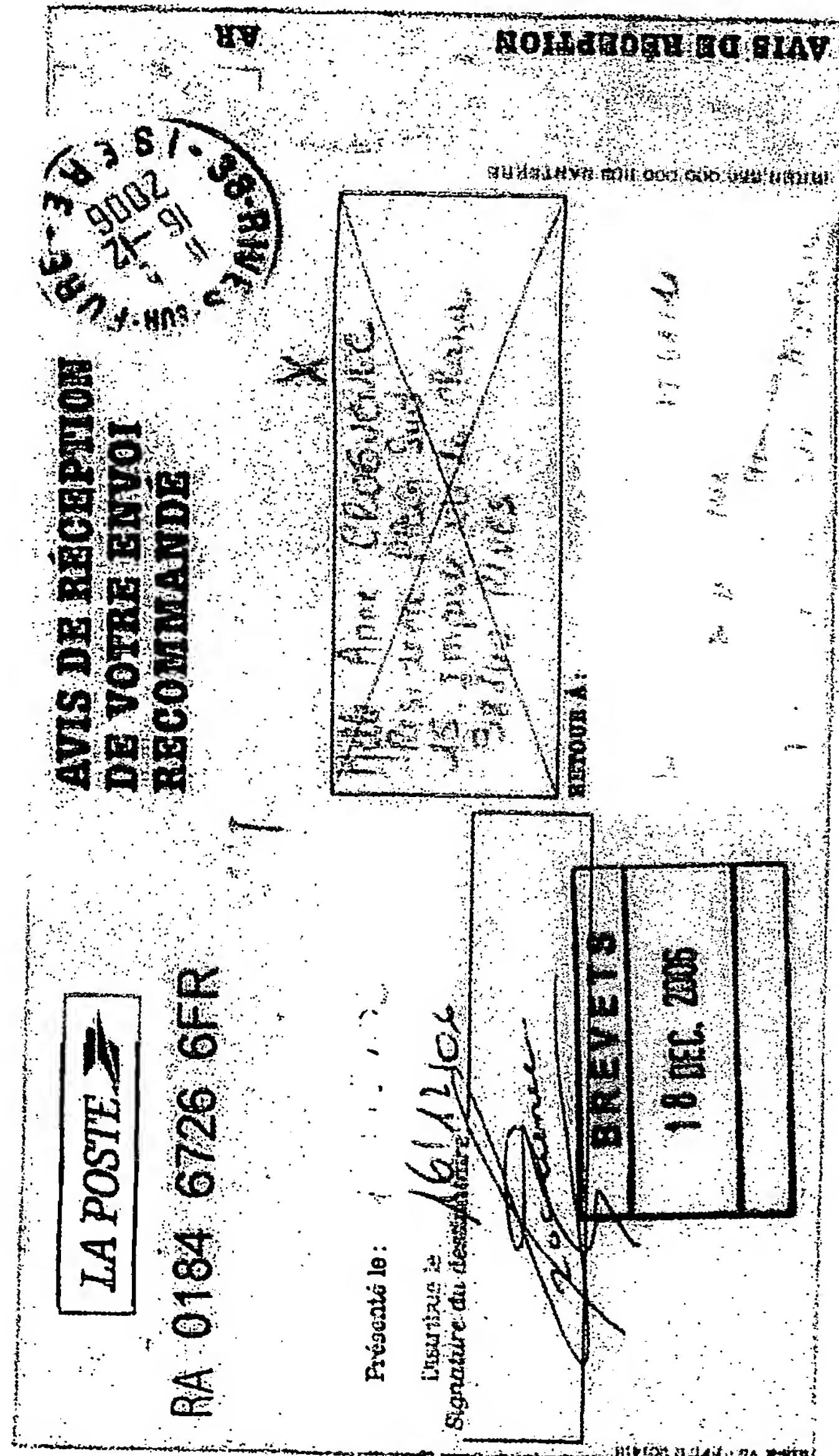


MailRece.pdf

**Formal Papers signed by only both inventors have been sent  
to you today BY MAIL.**

Sorry and have a nice day !!

**Yvette BOREL**  
Patent Legal Assistant to  
Etienne WEBER - Jean-Marc ANDRE  
Telephone : 33 3 85 99 1759 - Fax 33 3 85 99 10 11  
e-mail : [yvette.borel@kodak.com](mailto:yvette.borel@kodak.com)  
Work hours 7:00 - 16:00



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Examiner: Not yet known

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Laurie A. Wurtz*  
Laurie A. Wurtz  
*March 18, 2010*  
Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION FOR PETITION UNDER 37 CFR 1.47**

**Unavailability of Inventor**

I am Laurie A. Wurtz, Patent Legal Assistant for Carestream Health, Inc.

Internal documents indicate that a declaration and assignment was sent to Yvette Borel, a Patent Legal Assistant (located in Chalon, France and employed by Kodak Chalon) on August 18, 2006 by Tara Piccone, a Patent Legal Assistant, Patent Legal Staff, Kodak, Rochester, New York. Yvette Borel mailed the declaration and assignment to Anne C. Croguenec on December 12, 2006 to the following address: Residence Plein Sud, 15, Impasse de la Chana, 38140 Rives, France.

These internal documents further indicate that, when the declaration and assignment was not returned by Yvette Borel's Chalon office, Tara Piccone sent an e-mail dated November 6, 2006 to Yvette Borel inquiring about the signatures of the inventors. Yvette Borel responded to Tara Piccone via e-mail dated January 31, 2007 explaining she has been attempting to contact Anne C. Croguenec via telephone for 5 months and resulted in a follow-up letter to Anne C. Croguenec.

Yvette Borel sent a copy of the Signature Required receipt to Tara Piccone. The Signature Required receipt was accepted and signed for at the address of Anne C. Croguenec. Anne C. Croguenec did not respond to the letter, therefore no signatures were collected from Anne C. Croguenec. Yvette Borel returned the declaration and assignment to Tara Piccone on January 31, 2007 without the signatures of Anne C. Croguenec.

After receiving the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE", dated October 8, 2009, I sent an e-mail on October 14, 2009 to Jean Marc Inglese (Chief Technical Officer of Dental Systems Group, Trophy) and Dorothee Kanner (Executive Assistant, Trophy) requesting confirmation of the departure of Anne C. Croguenec from Trophy.

Jean Marc Inglese and Dorothee Kanner replied to my e-mail dated October 14, 2009, indicating that Anne C. Croguenec is no longer an employee at Trophy.

I conducted a Google search on March 15, 2010, on the internet and no matches were found.

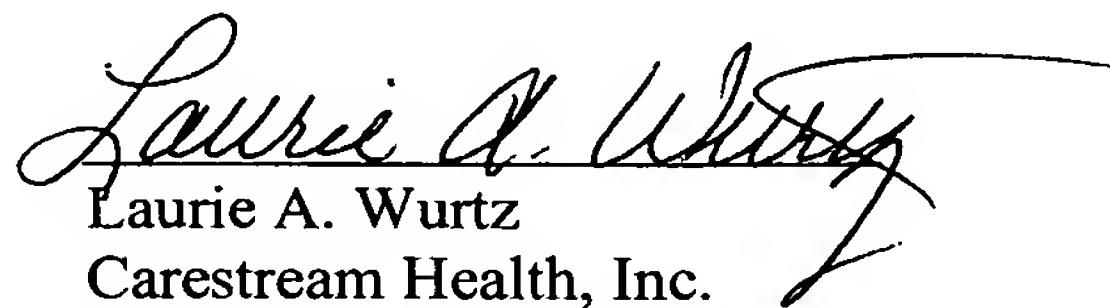
Attached with this declaration are proof of emails, mailing receipts and Google search results to show the extended effort to collect the missing inventor's signatures. Also included is a declaration from the Patent Legal Assistant who was handling the case originally, Tara Simonelli (nee Piccone).

The last known address of Anne C. Croguenec is:

Anne C. Croguenec  
Residence Plein Sud  
15, Impasse de la Chana  
38140 RIVES

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Laurie A. Wurtz  
Carestream Health, Inc.  
Patent Legal Assistant  
Telephone: (585) 627-6740  
Facsimile: (585) 627-8919

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Anne C. Croguenec

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Results 1 - 10 of about 28 for **Anne C. Croguenec**. (0.17 seconds)

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by CPGSS Brook

Sadoway and **Anne M. Mayes**; Materials Science, Massachusetts. Institute of Technology, Cambridge, Massachusetts. .... From vanadium oxide gels to  $\text{Li}_{1+n}\text{V}_3\text{O}_8/\text{beta-Li}/\text{V}_2\text{O}_5/\text{C}$  nanocomposites. ... Chairs: Glen Amatucci and Laurence **Croguenec** ...

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